

Notice of Allowability

Application No.

10/674,428

Examiner

Ginger T. Chapman

Applicant(s)

HANSEN ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks filed 18 September 2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

Applicant's arguments see Remarks, filed 18 September 2006, with respect to claims 1 and 10 have been fully considered and are persuasive. The rejections of claims 1-20 have been withdrawn.

Reasons for Allowance

Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance: claims 1 and 10 have been amended to include the limitations of the seal member formed of relatively stiff material lacking suppleness in the thickness direction. The closest prior art of record discloses the following:

US Patent 6,780,172 issued to Olsen et al: teaches a collecting bag comprising a bag member formed by first and second film blanks with joined edges, wherein the first film blank further comprises a nonwoven material layer joined with edges of second film blank; and including a foldable discharge opening comprising first and second resilient seal members attached to first and second blanks; said seal members comprising resiliently compressible seal plates made from a resilient foam material having compressibility in the thickness direction thereby forming a contact surface on each film blank, such that the folding of the nonwoven and film material layers comprising the discharge opening causes compression of the resilient foam material comprising the seal plate such that the compression of the foam material, assisted by the material of the nonwoven and film sheets, thereby forms a sealed closure of the discharge

Art Unit: 3761

opening due to the compressibility of the foam in combination with the squeezing effect exerted by the tension of the nonwoven and film materials comprising the blanks. Olsen '172 thus teaches nonwoven/film material sheets having compressible foam sealing members but does not teach the bag consisting of film material and does not teach the sealing members formed of plate members being formed from a relatively stiff material, said material lacking in suppleness in the thickness direction such that in use, when folding the discharge portion the distal edge of the first plate member acts as a pivot and a stretching effect is created on the second film blank to effectively seal the discharge opening with substantially no deformation of the plate members in the thickness direction.

US Patent 6,589,221 issued to Olsen et al: teaches a collecting bag comprising a bag member formed by first and second film blanks with joined edges, wherein the first film blank further comprises a nonwoven material layer joined with edges of second film blank; and including a foldable discharge opening comprising first and second resilient seal members attached to first and second blanks including a resiliently compressible seal plate made from a resilient foam material having compressibility in the thickness direction forming a contact surface on each film blank, such that the folding of the nonwoven and film material layers comprising the discharge opening causes compression of the resilient foam material thereby forming an effectively sealed closure of the discharge opening due to the compressibility of the foam in combination with the squeezing effect exerted by the nonwoven and film materials comprising the blanks. Olsen '221 thus teaches compressible foam sealing members and nonwoven/film sheet materials but does not teach the sealing members formed of plate members being formed from a relatively stiff material, said material lacking in suppleness in the thickness

Art Unit: 3761

direction such that in use, when folding the discharge portion the distal edge of the first plate member acts as a pivot and a stretching effect is created on the second film blank to effectively seal the discharge opening with substantially no deformation of the plate members in the thickness direction.

Per independent claims 1 and 10: independent claims 1 and 10 include limitations relating to a collection bag for human body wastes, the bag comprising film blanks of flexible film material and having a wide discharge portion, the discharge portion comprising a first plate member positioned on the first film blank on the distal edge and a second plate member positioned on an extension of the second film blank along the discharge opening, each plate member having a height defined in the longitudinal direction of the discharge portion between respective proximal and distal edges of the plate member, a width defined in a direction transverse to the longitudinal direction, and a thickness, each plate member being formed from a relatively stiff material lacking in suppleness in a thickness direction, and a distance between the distal edge of the first plate member and the proximal edge of the second plate member being smaller than the thickness of the first plate member such that the combination of the plate members formed of relatively stiff material and the positions of the plate members with a small distance between the members attached to the film material of the blanks, such that in use, the folding of the discharge portion causes the distal edge of the first plate member to act as a pivot, which, due to the thickness of the first plate member in combination with the small distance between this distal edge and the proximal edge of the first plate member, gives rise to tensional forces in the second film blank and the elasticity of the material of the film blank provides a sealing force thereby securing an effective seal of the discharge opening with substantially no

Art Unit: 3761

deformation of the plate members in the thickness direction, thereby allowing the bag to utilize wider discharge openings in order to facilitate emptying and cleaning the bag of body wastes and providing a cleaner more sanitary ostomy bag.

While the prior art of record discloses ostomy bags comprising foam sealing members and nonwoven/film materials, none disclose or fairly suggest the bag having sealing members comprising plates formed of stiff material lacking suppleness in the thickness direction providing a pivot due to the thickness of the first plate member in combination with the elasticity of the film material providing tensional forces in combination with the small distances between the edges of the relatively stiff sealing plates to provide a sealing force thereby securing a closure of the discharge opening of the ostomy bag. These features render the claimed invention non-obvious over the prior art of record. Claims 2-9 and 11-20 are allowable as being dependent from independent claims 1 and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

Art Unit: 3761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman
Examiner, Art Unit 3761
01/11/07



TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

